

001749 REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 145 11/18	
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Administration	
3. DATE:			
4. SUBJECT: Conflict of Interest Code for Administration			
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Debra Fischle-Faulk, MS 9A, 619-533-6387		6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Denise Sandoval, MS 9A, 619-533-6387	
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input checked="" type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES			
FUND			
DEPT.			
ORGANIZATION			
OBJECT ACCOUNT			
JOB ORDER			
C.I.P. NUMBER			
AMOUNT			
9. ADDITIONAL INFORMATION / ESTIMATED COST:			
10. ROUTING AND APPROVALS			
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEBRA FISCHLE-FAULK ADMINISTRATION DEPT	<i>Debra Fischle-Faulk</i>	8/20/08
2			
3			
4	LIAISON OFFICE		
5			
6			
7			
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
8	DEPUTY CHIEF		8/29/08
9	COO JAY GOLDSTONE	<i>Jay Goldstone</i>	8/20/08
10	CITY ATTORNEY	<i>Debra Fischle-Faulk</i>	10/17/08
11	ORIGINATING DEPARTMENT	<i>Debra Fischle-Faulk</i>	8/21/08
DOCKET COORD: _____ COUNCIL LIAISON: _____			
COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <i>ms</i> <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: <u>11/18/08</u>			
11. PREPARATION OF: <input type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)			
Adopting the revised Conflict of Interest Code for Administration.			
11A. STAFF RECOMMENDATIONS: Approve the revised Conflict of Interest Code and Appendices as submitted			
12. SPECIAL CONDITIONS:			
COUNCIL DISTRICT(S): All			
COMMUNITY AREA(S): Citywide			
ENVIRONMENTAL IMPACT: N/A			
HOUSING IMPACT: N/A			
OTHER ISSUES: NONE			

001751

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED:

REPORT NO:

ATTENTION:

City Council

ORIGINATING DEPARTMENT: Administration

SUBJECT:

CONFLICT OF INTEREST CODES

COUNCIL DISTRICT(S):

N/A

CONTACT/PHONE NUMBER: Debra Fischle-Faulk, 619-533-6387

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION: Pass Resolution

EXECUTIVE SUMMARY: This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 20, 2008. The Administration Department codes have been revised to include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other City's department's Conflict of Interest Codes, and to update the required filing categories for each designated position.

FISCAL CONSIDERATIONS: 0

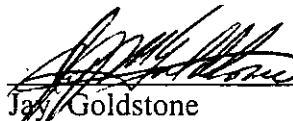
PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Debra Fischle-Faulk
Originating Department



Jay Goldstone
Deputy Chief/Chief Operating Officer

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2008 Local Agency Biennial Notice

Name of Agency: City of San Diego - Administration Department
Mailing Address: 202 C Street, 9th floor, San Diego, CA 92101
Contact Person: Debra Fischle-Faulk
Phone Number: 619-533-6387 Fax Number: 619-236-7344
E-mail: DFFaulk@sanidiego.gov

This agency has reviewed its conflict of interest code and has determined that:

☒ The code needs to be amended and the following amendments are necessary:

(Check all that apply)

☒ Include new positions (including consultants) which must be designated (App. A)


☐ Delete positions that manage public investments from the list of designated positions.

☐ Revise disclosure categories (App. B)

☐ Revise the titles of existing positions (App. A)

☐ Delete the titles of positions that have been abolished (App. A)

☐ No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.


Signature of Chief Executive Officer

8/22/08
Date

You must complete this report regardless of how recently your code was approved or amended.

Please return this report by August 22, 2008, to:

Denise Jenkins, Elections Analyst
Office of the City Clerk
202 C Street, MS 2A, San Diego, CA 92101

RECEIVED
CITY CLERK'S OFFICE
08 AUG 22 PM 1:29
SAN DIEGO, CALIF.

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's Administration Department
(name of department/agency/board)
after a fair opportunity was offered to the members of the department/agency/board to present their views.

Debra Fischle-Gault
(signature of executive officer)
(Director)

8/20/08
(date)

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REMOVED

~~BUSINESS & GRANT ADMINISTRATION DEPARTMENT~~
CONFLICT OF INTEREST CODE

APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Director	Plan, direct and coordinate the preparation of consistent citywide policies; serves as liaison officer for the Chief Operating Officer to the City Clerk's office; plans and coordinates citywide grants management; assists the Chief Operating Officer and Assistant Chief Operating Officer as required. Oversees Mayor's scheduling and reception staff.	1
Scheduling Director	Maintain daily, weekly, monthly and long term calendars; field all requests and schedule all events, meetings, engagements and appearances; coordinate logistics for all events, meetings, engagements and appearances; coordinate itineraries and travel arrangements, as needed.	1
Assistant Scheduling Director	Maintain daily, weekly, monthly and long term calendars; field all requests and schedule all events, meetings, engagements and appearances; respond to all invitations; track and record all invitations received; assist the Scheduling Director as needed.	1
Office Assistant	Provides support to the Mayor's Office, Business and Support Services, Customer Service , assist the Program Manager and Budget Analyst with various projects as well as clerical duties.	2
Mentor-Protégé Program Manager	Facilitates an effective working relationship between leaders of mature established construction companies (mentor) and emerging minority and women owned construction companies (protégé) in order for the protégé to benefit from the knowledge and experience of the established mentor company.	2
Consultant	Performs consultant services for the department.	3

Insert
Equal Opportunity
Contracting Program
Manager

Insert Description

EOC

2

3

all good 001758

REMOVE

~~BUSINESS & GRANT ADMINISTRATION~~
CONFLICT OF INTEREST CODE

APPENDIX B
DISCLOSURE CATEGORIES

CATEGORY 1:

- a. All reportable investments and business positions in any firm or business entity that supplies goods or services to the City of San Diego, or is granted authority by the City of San Diego to use City facilities.
- b. All reportable investments, business positions, and income from sources located in or doing business in the City of San Diego.
- c. All reportable interests in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.
- d. All reportable interests in real property owned or used by any person or business entity that supplies goods or services to the City of San Diego, that is a tenant of the City of San Diego, or is granted authority by the City of San Diego to use City facilities.
- e. All reportable income, including gifts, from any person or business entity that supplies goods or services to the City of San Diego, that is a tenant of the City of San Diego, or is granted authority by the City of San Diego to use City facilities.

CATEGORY 2:

- a. Investments and business positions in any firm or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- b. Income and gifts from any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- c. Interests in real property owned or used by any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.

CATEGORY 3:

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

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**ADMINISTRATION DEPARTMENT
CONFLICT OF INTEREST CODE**

**APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Director	Plan, direct and coordinate the preparation of consistent citywide policies; serves as liaison officer for the Chief Operating Officer to the City Clerk's office; plans and coordinates citywide grants management; assists the Chief Operating Officer as required. Oversees Mayor's Scheduling and reception staff.	1
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Office Assistant	Provides support to the Mayor's Office and assists the Program Manager and Budget Analyst with various projects as well as clerical duties.	2
Mentor Protégé Program Manager	Facilitates an effective working relationship between leaders of mature established construction companies (mentor) and emerging minority and women owned construction companies (protégé) in order for the protégé to benefit from the knowledge and experience of the established mentor company.	2
Equal Opportunity Contracting Program Manager	Plans, oversees and administers the City's Equal Opportunity Contracting Program (EOC). Approves EOC section of requests for Council / Mayoral Actions.	2
Consultant	Performs consultant services for the Equal Opportunity Contracting Program.	3

**ADMINISTRATION DEPARTMENT
CONFLICT OF INTEREST CODE**

**APPENDIX B
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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE ADMINISTRATION
DEPARTMENT

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

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WHEREAS, by Resolution No. 302215, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for Business and Support Services, which at that time included within its code the Business and Grant Administration Department, now known as the Administration Department; and

WHEREAS, the Administration Department now seeks to revise its conflict of interest code, to allow it to have a separate code for its department, and to include new positions that had not previously been designated, revise the title of the department, and revise the description of duties of other positions; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Administration Department; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Administration Department is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Administration Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-_____.

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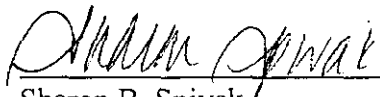
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Administration Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Administration Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Sharon B. Spivak
Deputy City Attorney

SBS:als
10/17/08
Or.Dept:Administration
R-2009-202